



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

May 25, 2004

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7777 9457
RETURN RECEIPT REQUESTED

Kevin Brown, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

NOTICE OF VIOLATION

Docket No. **SDWA-08-2004-0026**

Center Creek Water System
2636 Old Settlers
Heber, UT 84032
PWS #UT4900477

Dear Mr. Brown:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor bacteriological quality; failure to monitor nitrate; failure to monitor volatile organic chemicals; failure to collect a set of routine samples following a total coliform positive sample; failure to collect a set of repeat samples following a total coliform fecal positive sample; failure to monitor radionuclides; failure to monitor inorganic chemicals; failure to monitor pesticides; failure to provide public notice of the violations; and failure to notify the State of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please notify Melanie Wasco of my staff at (303) 312-6540 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

January 2002;
January, May
2003; February,
April 2004

Failure to monitor for bacteriological quality
(40 C.F.R. § 141.21)

2000, 2003	Failure to monitor for nitrate [40 C.F.R. § 141.23(d)]
1999, 2000, 2001, 2003	Failure to monitor for volatile organic chemicals [40 C.F.R. § 141.24(f)]
July 2002	Failure to take 5 routine total coliform samples after a positive total coliform sample the preceding month [40 C.F.R. § 141.21(b) (5)]
October 2002	Failure to take repeat samples after a total coliform fecal positive sample [40 C.F.R. § 141.21(b)]
every four years 1999 - 2002	Failure to monitor for radionuclides [40 C.F.R. § 141.26(b) (3)]
every three years 2001 - 2003	Failure to monitor for inorganic chemicals [40 C.F.R. § 141.23(c) (1)]
every quarter 1999 - 2003	Failure to monitor for pesticides [40 C.F.R. § 141.24(h)]
1999 - 2003	Failure to provide public notice of the above-referenced violations (40 C.F.R. § 141.201)
1999 - 2003	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g) (2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Melanie Wasco at (303) 312-6540.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory

enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act, nor does it create any new defenses under the law.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

DAVID J. JANIK

David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Duane Sweat, Manager
Center Creek Water System
Ken Bousfield, UT DEQ DW

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON MAY 25, 2004.

bcc: Tina Artemis, 8RC
Brenda Cazier, 8ENF-PT
Brenda Morris, 8ENF-L
Lisa Kahn, 8ENF-W
Kathelene Brainich, 8ENF-W
Melanie Wasco, 8ENF-W
Reading File

cc addresses:

Duane Sweat, Manager
Center Creek Water System
2636 Old Settlers
Heber, UT 84032

Ken Bousfield
DEQ, Drinking Water
POB 144830
SLC, UT 84114-4830